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MAIL STOP PCT  
Attorney Docket: 26794U

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Art Unit: Unknown

DIETZEL, et al.

Examiner: Unknown

Serial No.: 10/537,356

Filed: June 3, 2005

Internatl. Appl. No.: PCT/EP2003/014045

Internatl. Filing Date: December 11, 2003

Title: **COMBINATION MEDICAMENT**

**TRANSMITTAL LETTER**

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith for filing in the U.S. Patent and Trademark Office is the following:

- (1) Transmittal Letter;
- (2) Information Disclosure Statement;
- (3) PTO Form 1449 with 22 cited References;
- (4) Copies for 18 of the 22 cited References.

The Commissioner is hereby authorized to charge any deficiency or credit any excess to Deposit Account No. 14-0112.

Respectfully submitted,  
**NATH & ASSOCIATES PLLC**

Date: September 6, 2005

By: 

Gary M. Nath  
Reg. No. 26,965  
Sheldon M. McGee  
Reg. No. 50,454  
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GMN/SMM/le (NP.IDS)



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Title: **COMBINATION MEDICAMENT**

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

An Information Disclosure Statement is submitted herewith pursuant to 37 C.F.R. 1.97-1.98. Please note the following particulars: [NOTE: One only of items a, b, c, and d must be checked.]

☒ a. The enclosed statement is being filed within three months of the filing date of a national application, or within three months of the date of entry into the national stage as set forth in 37 C.F.R. 1.491 in an international application, or before the mailing date of a first Office Action on the merits, whichever event occurs last.

☐ b. The enclosed statement is being filed after a first action on the merits but before the mailing date of a final action under 37 C.F.R. 1.113, or a notice of allowance under 37 C.F.R. 1.311.

The enclosed statement is accompanied by [check one]:

☐ i. a certification in part (e) below as specified in 37 C.F.R. 1.97(e), or

☐ ii. a check in the amount required by 37 C.F.R. 1.17(p).

☐ c. The enclosed statement is being filed after the mailing date of a final action under 37 C.F.R. 1.113, or a notice of allowance under 37 C.F.R. 1.311, but before payment of the issue fee.

☐ Certification report(e) below; and

☐ a check in the amount as required by 1.17(p).

- [ ] d. The enclosed statement is being filed pursuant to 37 C.F.R. 1.97(i), for placement in the file.
- [ ] e. Certification [Check one] [Certification is required only if box (b) (i) or box (c) is checked.]

[ ] I hereby certify that each item of information contained in the enclosed Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement,

or

[ ] I hereby certify that no item of information in the enclosed Information Disclosure Statement herewith was cited in a communication from a foreign patent office in a counterpart foreign application, or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

or

[ ] Appropriate certification is attached.

[XXX] f. If no check is enclosed and a fee is due in connection with this communication or if the check enclosed is insufficient, the Commissioner is authorized to charge any fee or additional fee due in connection with this communication to Deposit Account No. 14-0112.

[XXX] g. Copies of the documents are attached herewith with a completed Form PTO-1449.

or

[ ] Copies of the documents are not attached as allowed under CFR 1.98(d)(1)(2). The earlier application is identified as:

and/or

[XXX] Copies of US Patents/Publications not attached as allowed in Official Gazette Aug. 5, 2003/ Vol. 1273, no. 1.

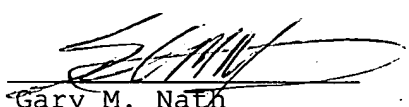
The Examiner is respectfully requested to cite the documents listed on the attached Form PTO-1449 in the next Office Action. In so doing, the Examiner is respectfully requested to initial in the space adjacent to the listing of each document on the Form PTO-1449, and return a copy of the initialed Form PTO-1449 with the next communication to Applicants, to confirm that these documents have been considered by the Examiner and made of record in this application.

If the Examiner has any questions or wishes to discuss this application, kindly telephone the undersigned at the below-listed number.

Respectfully submitted,  
**NATH & ASSOCIATES PLLC**

Date: SEPTEMBER 6, 2005

By:

  
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Reg. No. 26,965  
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FORM PTO-1449

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CITATION**

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Examiner: Unknown

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December 11, 2003**U. S. PATENT DOCUMENTS**

Examiner Initial		Document Number	Issued/Published Date	Name	Class	Sub-Class	Filed
	A1	6,068,833 A	30 May 2000	Aberg et al.			18 Aug. 1998
	A2	5,795,564 A	18 Aug. 1998	Aberg et al.			7 Mar. 1996
	A3	6,536,427 B2	25 Mar. 2003	Davies et al.			9 Aug. 2001
	A4	5,263,475 A (corresponds to EP 0 505 321 A2)	23 Nov. 1993	Altermatt et al.			18 Mar. 1992

**FOREIGN PATENT DOCUMENTS**

		Document Number	Issued/Published Date	Country	Class	Sub-Class	Translation
	A5	99/17754 A1	15 Apr. 1999	WO			N/A
	A6	00/07567 A1	17 Feb. 2000	WO			Abstract
	A7	00/28979 A1	25 May 2000	WO			Abstract
	A8	02/062317 A2	15 Aug. 2002	WO			N/A
	A9	02/083113 A2	24 Oct. 2002	WO			N/A
	A10	03/086349 A1	23 Oct. 2003	WO			N/A
	A11	94/22899 A1	13 Oct. 1994	WO			Abstract
	A12	98/21175 A1	22 May 1998	WO			N/A
	A13	0 505 321 A2	23 Sep. 1992	EP			Abstract
	A14	41 29 535 A1	12 Mar. 1992	DE			No
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	A16	0 416 950 B1	13 Mar. 1991	EP			N/A
	A17	0 407 028 B1	09 Jan. 1991	EP			N/A
	A18	0 416 951 B1	13 Mar. 1991	EP			N/A
	A19	0 650 410 B1	03 May 1995	EP			N/A
	A20	0 691 865 B1	17 Jan. 1996	EP			N/A
	A21	195 41 689 A1	15 May 1996	DE			Abstract
	A22	0 725 725 B1	14 Aug. 1996	EP			N/A

**OTHER (Including Author, Title, Date, Pertinent Pages, etc.)**

A23

Examiner

Date Considered

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP ' 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.